

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Dawn M. Wright

v.

Case No. 09-cr-262-PB

Elliot Health Systems, et al.

O R D E R

Plaintiff has asserted a single federal cause of action and several causes of action based on state law. It appears that the court has federal question jurisdiction over the federal causes of action and supplemental jurisdiction over the state law causes of action. The defendants have moved to dismiss part of the federal claim and all of the state law causes of action pursuant to Fed. R. Civ. P. 12(b)(6).

I am concerned after reviewing the complaint that plaintiff may not have stated a viable federal claim. If, as it appears, the federal claim is deficient, I will dismiss the federal claim with prejudice, decline to exercise supplemental jurisdiction over the state law claims, and dismiss the state law claims without prejudice. Accordingly, I direct the defendants to file a motion to dismiss the entire federal claim within 14 days.

The supporting memorandum and plaintiffs' responsive memorandum shall be limited to 10 pages. No reply memorandum shall be filed.

I will decide the issue on the record after the briefing is complete.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

April 1, 2010

cc: Andrea K. Johnstone, Esq.  
Dawnangela A. Minton, Esq.  
Lesie C. Nixon, Esq.